

**Minutes of Meeting
Grafton Planning Board
October 7, 2013**

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GRAFTON, MA.

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A regular meeting of the Grafton Planning Board was held on October 7, 2013 in the Finance Committee Meeting Room at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman David Robbins, Vice-Chair Michael Scully, Clerk Edward Prisby, Robert Hassinger, and Sargon Hanna. Absent from the meeting was Associate Member Mathew Often. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Robbins called the meeting to order at 7:00 p.m. and thanked Mr. Scully for chairing the September 23rd Planning Board meeting in his absence.

ACTION ITEM - 1-A - PLANNING BOARD COMMUNITY PRESERVATION COMMITTEE DELEGATE APPOINTMENT

Mr. Scully noted that he was resigning from the Committee due to increased family obligations.

MOTION by Mr. Scully, **SECOND** by Mr. Prisby, to nominate Mr. Hanna as the Planning Board representative to the Community Preservation Committee.

Mr. Hanna accepted the nomination.

MOTION carried unanimously 4 to 0.

ACTION ITEM 1-B - PLANNING BOARD REPORTS FOR PROPOSED AMENDMENTS TO TOWN MEETING

Mr. Bishop distributed a revised report, informing the Board that with regard to the proposed amendment for "Frontage", Article #21, he had added language in bold type addressing the public safety aspect within the definition. Mr. Bishop noted that the public safety issue had arisen at the Finance Committee public hearing from concerned members of the Fire Department. Mr. Prisby stated that he was present at the Finance Committee public hearing and it became evident that it was unclear to the Committee why the Planning Board was proposing the amendment, but that the added public safety aspect cleared up the confusion of frontage on one street and access on another. Mr. Bishop added that this issue was raised during the public hearing.

MOTION by Mr. Prisby, **SECOND** by Mr. Hassinger, to approve the amended draft report for Article 21 on the Town Warrant. **MOTION** carried unanimously 5 to 0.

Chairman Robbins questioned how the Board wished to handle the redundancy of the ten foot reference in the amendment and the technical question of how we can and want to go about getting Town Meeting to take action on the amendment revision.

Mr. Hassinger suggested the Board read the amended version, provided written material with the changes are distributed beforehand to remove any potential ambiguity.

MOTION by Mr. Hassinger that the Planning Board recommends the amended version of Article 20 is read at Town Meeting.

DISCUSSION: Mr. Bishop remarked that he will confirm with Town Counsel that the amended version is within the scope of the original proposed article for Town Meeting.

SECOND by Mr. Hanna. **MOTION** carried unanimously 5 to 0.

Chairman Robbins received unanimous consent to announce for the benefit of those persons present for the public hearing regarding the special permit application for Cumberland Farms, that the applicant had requested the public hearing be continued to Monday, October 28, 2013 at 7:30 p.m.

STAFF REPORT

Mr. Bishop informed the Board that the Fisherville & Farnumsville Streetscape Committee had been disbanded as of October 1st by the Board of Selectmen and that they had agreed and approved to charge a new committee entitled the Mill Villages Advisory Committee. Mr. Bishop noted the new committee will have a broader and more advisory capacity, looking to enhance the development of the Mill Villages area of South Grafton. Mr. Bishop added that the Board of Selectmen are currently entertaining requests for committee members, and encouraged persons to submit their letters of interest.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to approve the open session minutes of September 23, 2013 as drafted. **MOTION** carried unanimously 5 to 0.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Scully reported that the Economic Development Committee participated in a Central Massachusetts Business Expo at the DCU Center to promote economic development in the Town of Grafton. Mr. Scully noted their banner from the Expo, which displays the slogan: “Grafton is a great place to live, work and grow”, is currently displayed outside the Board of Selectmen’s office

Mr. Prisby suggested the Economic Development Committee members come in to have a discussion with Planning Board members regarding their connected vision for Grafton. Chairman Robbins noted that this also ties in with requests for reviewing and revisiting the Master Plan. Mr. Bishop added that the planned weekly Development Meetings involving the Town Administrator and Town Department heads has proved to be a helpful way to identify problems that may show up with development in the Town.

The Board discussed the benefits and productivity of the weekly scheduled Development Meetings.

PUBLIC HEARINGS

Chairman Robbins received unanimous consent to take the public hearings agenda out of order.

SPECIAL PERMIT (SP 2013-7) GCCF NEW ENGLAND, LLC c/o CUMBERLAND FARMS, (APPLICANT) – ROJAS REALTY TRUST, (OWNER)

Chairman Robbins stated that correspondence had been received this morning requesting the public hearing scheduled for this evening for Cumberland Farms, Inc. be continued to the next Planning Board meeting on Monday, October 28, 2013 at 7:30 p.m. in order to allow the applicant time to evaluate and respond to the numerous comments received regarding the project.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing, without taking any testimony, to Monday, October 28, 2013 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT (SP 2013-8) ERIN & VINCENT DINAPOLI, (APPLICANTS) – JOHN & PATRICIA PIJACA, (OWNERS)

Mr. Prisby read the legal notice and Chairman Robbins opened the public hearing. Present for the hearing were Erin & Vincent DiNapoli.

Ms. DiNapoli informed the Board that they currently lived in South Grafton and wished to purchase the home at 40 Elliot Trail for themselves and her mother-in-law. Ms. DiNapoli added that there will be no construction activity as the house is already configured for the accessory apartment, but the current owner never received permitting from the Planning Board.

Mr. Hassinger informed the applicant that accessory apartments are typically permitted to the owner and not to the land, and occupancy is conditioned to a family member.

Douglas Bowman of 32 Elliot Trail requested the Board explain to him what exactly an accessory apartment was and how the permitting worked.

MOTION by Mr. Prisby, **SECOND** by Mr. Hanna, to close the public hearing and to direct Staff to draft a decision taking into consideration all the information received and the findings and conditions as discussed. **MOTION** carried unanimously 5 to 0.

MODIFICATION OF SPECIAL PERMIT (SP 96-6) MARK TROIANO, D/B/A TROIANO TRUCKING, INC. (APPLICANT/OWNER)

Chairman Robbins opened the public hearing. Present for the hearing were Mark Troiano, his attorney W. Robert Knapik, his Engineer Mahmood Aziz, his architect John Riel, Michael Rezuze and John LaFollette.

Attorney Knapik reviewed the application and discussions of the previous hearing for the Board, noting that Graves Engineering had issued a final review and that the applicant does meet the criteria for a modification of his previously issued special permit.

Mr. Hassinger pointed out that on page 4 of the review comments, Graves Engineering questions the roof runoff, suggesting the applicant clarify the type of roof that will be used for the recharge system. Mr. Bishop adds that there are also a number of comments regarding soil testing, and the Board will need to determine how to appropriately phrase a condition that will satisfy the issue of roof runoff results that may have effects on this testing.

Attorney Knapik suggested that since the roof material has not yet been selected, the Board could condition the final selection to the issuance of a building permit.

Chairman Robbins noted that assumptions have been made with the consistency of the soil which will require the final review of Graves Engineering to approve what materials are selected.

Mr. Aziz pointed out that the design for the site had to be approved by DEP to meet stormwater regulations, so the selections and calculations have been prepared for a worst case scenario in anticipation of meeting those standards. Mr. Aziz stated he will be providing all of the additional information on the reservoir to all parties when the selections have been made.

Mr. Scully asked if the applicant can proceed with an outstanding enforcement order from Conservation Commission. Mr. Bishop remarked that prior bad acts are not germane to current application permitting. Mr. Hassinger stated that all orders must comply in permitting review.

Elias Hanna, Chair of the Economic Development Committee, stated the Committee's support of the project, adding they had responded with a Town Department comment response.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to close the public hearing and to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

Attorney Knapik requested to receive a copy of the draft decision for possible input.

MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2013-2) "GRAFTON HILL" SUBDIVISION – WESTERLY SIDE GRAFTON LLC (APPLICANT) – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST (OWNERS)

Chairman Robbins opened the public hearing. Present on behalf of the applicant was Attorney Joseph Antonellis and Sandy Brock, representing the Conservation Commission.

Ms. Brock informed the Board that she was here representing the Conservation Commission, but that she would not add any more than what was already stated in their letter to the Planning Board in July. Ms. Brock reviewed all information that had been discussed previously with the Board and the applicant, and stated that the Commission cannot give an opinion that the plan as shown can be approved; but there is a process that can be followed. Chairman Robbins noted that the Board's understanding is that Conservation Commission is not in a position to assure the Planning Board that the conventional plan is likely to be built as shown on the plan without reducing impacts. Mr. Hassinger stated that his major concerns were the justification of the lot count, even if it is decided the roadway can be built in spite of the wetland crossings; and the

length of the cul-de-sac, noting that there is a 500 foot rule with the applicant requesting an approximate 3,000 foot cul-de-sac that is not approvable.

Attorney Antonellis proceeded to document all sections and provisions of the Zoning By-Law that the applicant has met and conformed to, ending his reasoning with this is why the Board must grant the applicant the special permit.

Attorney Robert Sudmeyer, representing the interests of the McInnis property owners, cited to the Board that under ZBL Section 5.3.5.1 the plan could reasonably be expected to be developed. Attorney Sudmeyer also referred to the statements of Ms. Brock that no guarantee is required, but only that it could reasonably be developed.

The Board generally agreed that they needed more information before they could move forward, but were not sure they would be able to obtain what they required to make a determination. Mr. Hassinger and Attorney Antonellis continued to discuss the justification of the lot count, with Attorney Antonellis stating there is nothing specific in the By-Law to establish a lot count, and Mr. Hassinger arguing that the lot count is contingent on the actual feasibility of the conventional plan.

Chairman Robbins suggested that within the spirit of a Preliminary Subdivision Plan review, the applicant recommend to the Board which plan they have chosen.

Mr. Bishop commented that in keeping with the review process, the Board should state it's plan recommendation.

MOTION by Mr. Hanna, **SECOND** by Mr. Prisby, to recommend the applicant pursue the Flexible plan as opposed to the Conventional plan.

DISCUSSION: Mr. Hassinger wished to note that he was not comfortable with the density that will be encompassing on this area and that he had a definite problem with the cul-de-sac.

MOTION carried 3 to 2 by roll call vote: Scully-nay; Hassinger-nay; Robbins-aye; Prisby-aye; Hanna-aye.

Attorney Antonellis requested the Board grant a continuance to the next Planning Board meeting on Monday, October 28, 2013.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing to Monday, October 28, 2013. **MOTION** carried unanimously 5 to 0.

The Board briefly returned to their discussion regarding the Development Team.

MOTION by Mr. Hanna, **SECOND** by Mr. Prisby, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:27 p.m.

EXHIBITS

- **Action Item 1A: Planning Board reports for Proposed Amendments to Town Meeting**
 - Planning Board Report, ZBL-2013-1, Proposal to Amend Section 3.3.3.4 of the Grafton Zoning by-Laws, Article 20, October 21, 2013 Town Meeting; no date; 1 page.
 - Planning Board Report, ZBL-2013-2, Proposal to Amend Section 2: Definition for “Frontage”, Article 21, October 21, 2013 Town Meeting; no date; 1 page.
- **Minutes of Previous Meeting**
 - Open session minutes of September 23, 2013, 9 pages.
- **Public Hearing 9A - Special Permit (SP 2013-8) Erin & Vincent DiNapoli, (Applicants) – John & Patricia Pijaca, (Owners), Accessory Apartment on property located at 40 Elliot Trail**
 - Unbound application materials submitted by the Applicants, received September 12, 2013; includes the following:
 - Application for Special Permit, dated September 10, 2013; 1 page.
 - Application for Site Plan Approval, dated September 10, 2013; 1 page.
 - Correspondence from Erin DiNapoli, dated September 11, 2013; 2 pages.
 - Special Permit Application for Accessory Apartment, 40 Elliot Trail, Grafton MA 01519, Project Description & ZBL Request; no date; 5 pages.
 - Site map, aerial view; 8 ½ x 11”, color; source: Town of Grafton GIS, 1 page.
 - Partial Second Floor Plan As-Built Plan for 40 Elliot Trail; prepared by John Marro III, AIA; 11 x 17”, black & white; dated September 12, 2013; 1 page.
 - Zoning Determination submitted by the Zoning Enforcement Officer; 40 Elliot Trail, Accessory Apartment; dated and received September 16, 2013; 1 page.
- **Public Hearing 9B - Modification of Special Permit (SP 96-6) Mark Troiano, d/b/a Troiano Trucking, Inc. (Applicant/Owner) –Replace the existing abandoned structure with a new 6,400 square foot building for the purpose of recycling food waste, on property located at 109 Creeper Hill Road**
 - Correspondence from Graves Engineering, Troiano Trucking, 109 Creeper Hill Road, Site Plan Review; dated September 23, 2013; received September 24, 2013; 5 pages.
- **Public Hearing 9C - Special Permit (SP 2013-7) GCCF New England, LLC c/o Cumberland Farms, (Applicant) – Rojas Realty Trust, (Owner) –Raze the existing building and paving and to construct a convenience store, gasoline station, associated patio/outdoor seating and parking on property located at 217 Worcester Street.**
 - Unbound application materials submitted by the Applicant, received August 15, 2013; includes the following:
 - Application for Special Permit, dated August 13, 2013; 1 page.

- Application for Site Plan Approval, dated August 13, 2013; 1 page.
- Narrative Regarding Site Plan Review and Special Permit Filing, Cumberland Farms, Inc. – 217 Worcester Street; no date; 3 pages.
- Plan Set, Site Development Plans, Cumberland Farms, 217 Worcester Street; prepared by Bohler Engineering; dated July 31, 2013; revised August 13, 2013; 11 x 17”, black & white; as follows:
 - CFG1.0.....Cover Sheet
 - CFG1.1.....General Notes
 - CFG2.0.....Alta/Acsm Title Land Survey
 - CFG3.0.....Site Demolition Plan
 - CFG4.0.....Site Plan
 - CFG5.0.....Site Grading & Drainage Plan
 - CFG6.0.....Site Erosion & Sedimentation Control Plan
 - CFG6.1.....Site Erosion Control Notes & Details Sheet
 - CFG7.0.....Site Utility Plan
 - CFG8.0.....Site Landscaping Plan
 - CFG8.1.....Site Landscaping Notes & Details Sheet
 - CFG9.0.....Site Construction Details
 - CFG9.1.....Site Construction Details
 - CFG9.2.....Site Construction Details
 - CFG10.0...Site Lighting Plan
 - CFG12.0...Proposed Canopy Elevations
 - CFG12.1...Proposed Canopy Details
 - CFG13.0...Sign Plan
 - CFG13.1...Sign Details
 - A1.1Building Floor Plan
 - A3.1Exterior Elevations
 - A3.2Exterior Elevations
 - DS1.1Downspout Location Plan
 - L1.1Exterior Building Lighting Plan
- o Project Review Memorandum, Board of Health, received August 19, 2013; 2 pages.
- o Project Review Memorandum, Grafton Water District, received August 21, 2013; 2 pages
- o Correspondence from Graves Engineering, Cumberland Farms, 217 Worcester Street, Special Permit and Site Plan Review, dated September 16, 2013, received September 17, 2013; 4 pages.
- o Project Review Memorandum, Conservation Commission, received September 19, 2013; 2 pages.
- o Correspondence from Conley Associates; Peer Review, Cumberland Farms Redevelopment, North Grafton, Massachusetts; dated September 27, 2013; received September 30, 2013; 5 pages.
- o Petition to Oppose and/or Modify Planned Construction of North Grafton Cumberland Farms; received October 4, 2013; 6 pages.

- Correspondence from Bohler Engineering; Cumberland Farms, 217 Worcester Street Special Permit and Site Plan Review, Response to Comments from Graves Engineering; dated October 1, 2013, received October 4, 2013; 5 pages.
- Correspondence from Bohler Engineering; Cumberland Farms, 217 Worcester Street Special Permit and Site Plan Review, Response to Comments from Grafton Sewer Department; dated October 3, 2013, received October 4, 2013; 2 pages.
- Plan Set, Site Development Plans, Cumberland Farms, 217 Worcester Street; prepared by Bohler Engineering; dated July 31, 2013; revised September 30, 2013; 11 x 17", black & white; as follows:
 - CFG1.0.....Cover Sheet
 - CFG1.1.....General Notes
 - CFG2.0.....Alta/Acsm Title Land Survey
 - CFG3.0.....Site Demolition Plan
 - CFG4.0.....Site Plan
 - CFG5.0.....Site Grading & Drainage Plan
 - CFG6.0.....Site Erosion & Sedimentation Control Plan
 - CFG6.1.....Site Erosion Control Notes & Details Sheet
 - CFG7.0.....Site Utility Plan
 - CFG8.0.....Site Landscaping Plan
 - CFG8.1.....Site Landscaping Notes & Details Sheet
 - CFG9.0.....Site Construction Details
 - CFG9.1.....Site Construction Details
 - CFG9.2.....Site Construction Details
 - CFG10.0...Site Lighting Plan
 - CFG12.0...Proposed Canopy Elevations
 - CFG12.1...Proposed Canopy Details
 - CFG13.0...Sign Plan
 - CFG13.1...Sign Details
 - A1.1Building Floor Plan
 - A3.1Exterior Elevations
 - A3.2Exterior Elevations
 - DS1.1Downspout Location Plan
 - L1.1Exterior Building Lighting Plan
- Correspondence from Lombardo DeVellis & Smith LLP, Application for Cumberland Farms, Inc. for Special Permit and Site Plan Review for Convenience Store / Gasoline Station at 217 Worcester Street; Request of continuance of public hearing; dated and received October 7, 2013; 1 page.



Edward Prisky, Clerk